

Notice of Allowability

Application No.

09/934,037

Examiner

Marissa Thein

Applicant(s)

FREEDENBERG ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to July 12, 2005.
2. ☒ The allowed claim(s) is/are 1-16, 18-19, and 21-42.
3. ☒ The drawings filed on 30 January 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 7-21-05; 7-26-05.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

Handwritten signature/initials

EXAMINER'S AMENDMENT

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in telephone interviews with Mr. Jack Jankovitz on July 21, 2005 and July 26, 2005.

The application has been amended as follows:

In the Claims

Claims 17, 20, and 43 have been canceled.

Claims 1 and 42 are amended.

In claim 1, line 21, the following limitation has been inserted between "variability" and ".":

The three new added paragraphs read as follows:

--(g) offering the user a choice of photo products;

(h) a price and a delivery time of the photo product and a location of the fulfillment provider are dependent on the desired geospatial area and format selected; and

(i) the price is automatically and proportionally determined by a computer of the fulfillment provider, in response to a size of dynamically selected polygons on the

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display of the user, and transmitted by the fulfillment provider, by way of the network channel, for display on the display of the user--.

In claim 42, line 18, the following limitation has been inserted between "user" and ".":

The three new added paragraphs read as follows:

--(g) offering the user a choice of photo products;

(h) proportionally determining in the computer of the fulfillment provider, a price for the desired geospatial area, in response to a size of the polygons selected by the user on the display of the user; and

(i) transmitting, from the fulfillment provider, by way of the network channel, the price for viewing on the display of the user, free-of any human intervention at a location of the fulfillment provider.--

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

Claim 1

Claim 1 recites a method for offering for purchase by a computer earth imagery content of a user-selected desired geospatial area, the earth imagery content being delivered in the form of a photo product, the method comprising the steps of, *inter alia*: the price is automatically and proportionally determined by a computer of the fulfillment provider, in response to a size of dynamically selected polygons on the display of the user, and transmitted by the fulfillment provider, by way of the network channel, for display on the display of the user.

The most closely applicable prior art of record is referenced to in the Office Action mailed on June 6, 2005 as the website www.digitalglobe.com (Digital Globe). Digital Globe discloses is a web-based product offering tool which includes an imaging and information system comprising high-resolution digital- imagery of the Earth from space. Digital Globe discloses a user that may task the satellite to collect imagery when the desired imagery is not available in the database. Circumstances requiring tasking include imaging a new geographic location, a more recent collection date, or imagery that contains special imaging options. Furthermore, Digital globe includes the ordering of imagery which will be accepted before satellite launch, allowing the user to reserve the area of interest at pre-launch prices. The user may task a smaller area which will be charged fro the minimum area size. However, Digital Globe neither anticipates or fairly and reasonably teaches a method for offering for purchase by a computer earth imagery content of a user-selected desired geospatial area, the earth imagery content being delivered in the form of a photo product, the method comprising the steps of, *inter alia*: the price is automatically and proportionally determined by a computer of the fulfillment provider, in response to a size of dynamically selected polygons on the display of the user, and transmitted by the fulfillment provider, by way of the network channel, for display on the display of the user.

Naylor (U.S. Patent Application No. 2001/0049648) neither anticipates or fairly and reasonably teaches a method for offering for purchase by a computer earth imagery content of a user-selected desired geospatial area, the earth imagery content being delivered in the form of a photo product, the method comprising the steps of, *inter alia*:

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the price is automatically and proportionally determined by a computer of the fulfillment provider, in response to a size of dynamically selected polygons on the display of the user, and transmitted by the fulfillment provider, by way of the network channel, for display on the display of the user. Naylor's disclosure teaches away from the pricing which is automatically and proportionally determined by a computer of the fulfillment provider, in response to a size of dynamically selected polygons on the display of the user. This is because Naylor teaches an electronic marketplace for selling and auctioning off display of rights to digital imagery (abstract). Furthermore, Naylor teaches buyers, who have registered with the auction house can view these digital images, and bid for the right to display the images (abstract).

Silk (U.S. Patent No. 5,809,145) neither anticipates or fairly and reasonably teaches a method for offering for purchase by a computer earth imagery content of a user-selected desired geospatial area, the earth imagery content being delivered in the form of a photo product, the method comprising the steps of, *inter alia*: the price is automatically and proportionally determined by a computer of the fulfillment provider, in response to a size of dynamically selected polygons on the display of the user, and transmitted by the fulfillment provider, by way of the network channel, for display on the display of the user. Silk's disclosure teaches away from the pricing which is automatically and proportionally determined by a computer of the fulfillment provider, in response to a size of dynamically selected polygons on the display of the user. This is because Silk teaches a distributing digital data system which allows customers to browse or search through data available from a number of information providers and to

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purchase the selected data directly via their computer (col. 5, lines 58-62) and an authorization method which prevents access to secured datasets by anyone other than an authorized end-user (col. 1, lines 6-8). Further, Silk teaches a user requesting a particular dataset of the digital image, wherein a server provides the requested dataset to the computer. The server then connects to a fulfillment center to transmit an encrypted access or release code request for the desired dataset. A transaction server in turn provides the computer with an access or release code after a payment method is established.

Krishnamurthy (U.S. Patent No. 5,956,027) neither anticipates or fairly and reasonably teaches a method for offering for purchase by a computer earth imagery content of a user-selected desired geospatial area, the earth imagery content being delivered in the form of a photo product, the method comprising the steps of, *inter alia*: the price is automatically and proportionally determined by a computer of the fulfillment provider, in response to a size of dynamically selected polygons on the display of the user, and transmitted by the fulfillment provider, by way of the network channel, for display on the display of the user. Krishnamurthy's disclosure teaches away from the pricing which is automatically and proportionally determined by a computer of the fulfillment provider, in response to a size of dynamically selected polygons on the display of the user. This is because Krishnamurthy teaches a method for a user to share a hypertext transfer protocol document, such as an http page received from World Wide Web server site, with one or more other users (col. 1, lines 6-9).

Claim 42

Claim 42 recites a computer method for offering for purchase by user-selected earth imagery content of a desired geospatial area in the form of a photo product comprising the steps of, *inter alia*: proportionally determining in the computer of the fulfillment provider, a price for the desired geospatial area, in response to a size of the polygons selected by the user on the display of the user; and transmitting, from the fulfillment provider, by way of the network channel, the price for viewing on the display of the user, free-of any human intervention at a location of the fulfillment provider. The method is allowable over the prior art of record for reasons consistent with those identified above with respect to claim 1.

Conclusion

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

WWW.RSI.CA a system and method of ordering of radar-based remote sensing information, however, it does not disclose a pricing that is automatically and proportionally determined by a computer, in response to a size of dynamically selected polygons on the display of the user.

U.S. Patent No. 4,870,576 to Tornetta discloses a system and method for locating real estate properties which includes a graphical locator interface which permits

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definition of a desired area for search by placing of a user-controlled selector on a map displayed on a CRT, however, it does not disclose a pricing that is automatically and proportionally determined by a computer, in response to a size of dynamically selected polygons on the display of the user.

World Publication No. WO 92/02891 to Mauney et al. discloses an automated mapping system which utilizes global positioning satellite information to generate or update a geographic information database in real time or to collect and store in real time position and other geographic information of subsequent automatic creation or updating of a geographic information database, however, it does not disclose a pricing that is automatically and proportionally determined by a computer, in response to a size of dynamically selected polygons on the display of the user.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marissa Thein whose telephone number is 571-272-6764. The examiner can normally be reached on M-F 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alex Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mtot
August 2, 2005


JAMES MCCLELLAN
PRIMARY EXAMINER
AU 3627 8/3/05